

gan, Fountain, Gaines, Latimer, Pyle, Rawson, Randle and Mr. President—12.

Nays—Senators Avinger, Ball, Dillard, Dohoney, Evans, Finlay, Franks, Henry, King, Ruby, Sayers, Shelley and Word—13.

On motion of Senator Broughton Senate bill No. 81, "An Act to establish a bridge across Choctaw Bayou, in Grayson county," was taken up, read second time and ordered engrossed.

On motion of Senator Broughton the rules were further suspended, the bill read third time and passed by the following two-thirds vote :

Yeas—Senators Avinger, Baker, Ball, Broughton, Cole, Dillard, Ford, Finlay, Flanagan, Gaines, Hall, Henry, Latimer, Rawson, Ruby, Sayers, Shelley, Tendick, Tracy, Word, and Mr. President—21.

Senator Rawson moved to adjourn to 10 o'clock A. M. Monday next, which was carried by the following vote :

Yeas—Senators Baker, Ball, Broughton, Cole, Ford, Flanagan, Gaines, Hall, Latimer, Rawson, Tendick, Tracy, and Mr. President—13.

Nays—Senators Avinger, Dillard, Dohoney, Evans, Finlay, Franks, Henry, Ruby, Saylor, Sayers, Shelley, and Word—12.

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SENATE CHAMBER,  
AUSTIN, TEXAS, February 10, 1873. }

Senate met pursuant to adjournment Roll called; Quorum present. Prayer by the chaplain.

Journal of Saturday read and adopted.

Senator Shelley presented the petition of S. B. Buckley, asking pay for services as Geologist. Referred to Committee on Claims and Accounts.

Senator Finlay presented memorial of H. W. Hall, asking patent on certain certificate located. Referred to Committee on Private Land Claims.

Senator Shelley presented petition of Thomas F. McKinney, asking payment of a debt long due to him. Referred to Committee on Public Debt.

Also, the memorial of Julius Quast, asking payment of a pay certificate. Read and referred to Committee on Claims and Accounts.



The Committee on Finance made the following report:  
*Hon. E. B. Pickett, President of the Senate:*

SIR: Your Committee on Finance, to whom was referred Senate bill No. 76, entitled "An act prescribing the mode of establishing the liabilities of drawers and endorsers of bills of exchange and promissory notes," approved twentieth of March, 1848, and amended January 11, 1862, instruct me to return the bill and ask that it be referred to the Committee on Judiciary, and that they be discharged from considering the matter further.

N. G. SHELLEY, Chairman.

The Committee on Internal Improvements made the following report:

*Hon. E. B. Pickett, President of the Senate:*

SIR: Your Committee on Internal Improvements, to whom was referred Senate bill No. 7, entitled "An act to incorporate the Colorado, Austin and Lampasas Railway Company," have had the same under consideration, and instruct me to report it back with the recommendation that it do pass.

WEBSTER FLANAGAN, Chairman.

The Committee on Claims and Accounts made the following report:

*Hon. E. B. Pickett, President of the Senate:*

SIR: Your Committee on Claims and Accounts, to whom was referred the consideration of the claim of Dr. S. W. Baker, Superintendent of the Blind Asylum, for \$354 for the use of his horse and buggy while attending the business of said institution, beg leave to report that they have had the same under careful consideration, and they cannot see that justice or equity demands the payment of any such claims by the State; they would therefore recommend that his claim be rejected.

W. H. SWIFT, Chairman.

Senator Finlay introduced a bill, No. 87, "An act for the relief of Hugh W. Hawes." Read first time and referred to the Committee on Private Land Claims.

Also, a bill, No. 88, "An act to amend the third section of an act entitled an act concerning divorce and alimony." Read and referred to Judiciary Committee No. 2.

Senator Ruby introduced a bill, No. 90, entitled "An act to amend sections one and two, article three, title two, of an act entitled an act to incorporate the city of Galveston, and to grant a new charter to the said city, and to



repeal all acts heretofore passed incorporating said city which may be in force by virtue of any existing charter, approved May 16, 1871," Read first time and referred to Judiciary Committee No. 2, and one hundred copies ordered printed for the use of the Senate.

Senator Henry introduced a bill, No. 89, entitled "An act to incorporate the G. M. Johnson Lodge, No. 97, of the Independent Order of Odd Fellows." Read first time and referred to Judiciary Committee No. 1.

Concurrent resolution for a joint select committee to consider the propriety of establishing two additional Lunatic Asylums was read and adopted.

Senate joint resolution No. 13, in relation to the estate of Charles Kammer, deceased, was read second time and ordered engrossed; rules suspended, read third and passed.

Senate bill No. 69, "An act to expedite the decision of criminal cases by the Supreme Court," together with report of committee recommending substitute, and substitute, were read, and substitute adopted and ordered engrossed.

Senate bill No. 26, "An act to amend section five of an act entitled an act to organize and maintain a system of public free schools in the State of Texas, approved April 24, 1871," and report of committee on same, read second time, and on motion of Senator Dohoney was laid on the table.

A message was received from the House informing the Senate that the House refused to concur in amendments to House bill No. 106, "An act entitled an act to provide for the public printing."

Also, that the House had passed the following bills:

House bill No. 112, to amend "An act entitled an act to amend an act prescribing the times of holding the District Courts in the several judicial districts in the State, approved August 10, 1870, approved October 13, 1871."

Also, House bill No. 123, "An act to provide for prompt settlement of accounts by sheriffs with the State and counties."

Senator Ruby offered the following resolution:

*Resolved*, That the Senate do accept the courteous invitation of the municipal authorities and citizens of Galveston, to participate with them in the ceremonies and incidents to be observed in said city on the twenty-fifth



instant, and for this purpose that the Senate, when it shall adjourn on Monday, the twenty-fourth instant, do adjourn until the following Thursday, the twenty-seventh instant.

Senator Shelley offered the following substitute :

*Resolved* That the Senate of the State of Texas, duly appreciating the compliment and courtesy of the citizens of the city of Galveston, expressed in the invitation extended by the mayor of said city through the President of the Senate, to be present and participate in the festivities to be provided by said city on the twenty-fifth instant, return its acknowledgments of the courtesy as a body, and of Senators individually; but the public interest, and the obligation imposed upon us as a body and as individuals, constrain the Senate to decline, respectfully, the invitation.

The President announced that the hour for special order had arrived, viz., the contested case of Wells Thompson, Esq., v. Hon. R. P. Tendick.

Senator Dillard moved the adoption of the report of the Committee on Elections. Said motion was ruled out of order.

Senator Sayers moved to table Senator Saylor's resolution, upon which the yeas and nays were called, with the following result :

Yeas—Senators Avinger, Ball, Broughton, Cole, Dillard, Dohoney, Evans, Finlay, Henry, King, Latimer, Pyle, Sayers, Shelley, Swift, Word and Mr. President—17.

Nays—Senators Baker, Ford, Flanagan, Fountain, Franks, Gaines, Hall, Rawson, Randle, Ruby, Saylor and Tracy—12.

Senator Dillard's motion to adopt the resolution of the Committee on Elections was ordered, with the following result :

Yeas—Senators Avinger, Ball, Dillard, Dohoney, Evans, Finlay, Henry, King, Latimer, Sayers, Shelley, Swift, Word and Mr. President—14.

Nays—Senators Baker, Broughton, Cole, Flanagan, Ford, Fountain, Franks, Gaines, Hall, Pyle, Rawson, Randle, Ruby, Saylor and Tracy—15.

The resolution of Senator Ruby and substitute of Senator Shelley were then considered, and substitute lost by the following vote :



Yeas—Senators Avinger, Ball, Broughton, Cole, Dillard, Dohoney, Evans, Henry, King, Latimer, Sayers, Shelley, Swift, Word and Mr. President—15.

Nays—Senators Baker, Ford, Finlay, Flanagan, Fountain, Franks, Gaines, Hall, Pyle, Rawson, Randle, Ruby, Saylor, Tendick and Tracy—15.

The vote was then taken on the original resolution with the following result :

Yeas—Senators Baker, Evans, Ford, Finlay, Flanagan, Fountain, Franks, Gaines, Hall, Pyle, Rawson, Randle, Ruby, Saylor, Tendick and Tracy—16.

Nays—Senators Avinger, Ball, Broughton, Cole, Dillard, Dohoney, Henry, King, Latimer, Sayers, Shelley, Swift, Word, and Mr. President—14.

On motion of Senator Flanagan, leave of absence for one week from to-morrow was granted to Senator Broughton.

Senate bill No. 66. "An act to dedicate to the use of Travis county certain lands in the city of Austin, for the purpose of building a court house and jail, and to enable said county to build same," was read second time and re-committed to Judiciary Committee No. 2.

Senate bill No. 33, "An act amendatory of and supplemental to an act entitled an act to incorporate the Sabine and Galveston Bay Railroad and Lumber Company, passed September 1, 1856, passed December 24, 1859, which act changed the name of said Company to the Texas and New Orleans Railroad Company," was read third time.

Senator Flanagan offered the following amendment, to wit: "Amend section two, line fifteen, after the word company" ———. The amendment was adopted by the following vote :

Yeas—Senators Avinger, Baker, Ball, Broughton, Cole, Dillard, Dohoney, Evans, Ford, Finlay, Flanagan, Franks, Gaines, Hall, Henry, King, Latimer, Pyle, Rawson, Randle, Ruby, Saylor, Shelley, Swift, Tracy, Word, and Mr. President—28.

The bill as amended was passed by the following two-thirds vote :

Yeas—Senators Avinger, Baker, Broughton, Cole, Dohoney, Evans, Ford, Finlay, Flanagan, Franks, Gaines, Hall, Henry, King, Latimer, Pyle, Rawson, Randle,



Ruby, Saylor, Sayers, Shelley, Tendick, Tracy, Word, and Mr. President—26.

Nay—Senator Ball—1.

On motion of Senator Ball, House bill No. 14, "An act to repeal section five of an act entitled an act to organize and maintain a system of public free schools in the State of Texas, approved April 24, 1871," was read, and on motion of Senator Ruby, was made special order for 11 o'clock to-morrow, and one hundred copies of bill and substitute ordered printed.

Senator Saylor moved to adjourn to 10 o'clock A. M. to-morrow, pending the consideration of House bill No. 106, "An act to provide for the public printing." The motion was carried by the following vote:

Yeas—Senators Baker, Broughton, Cole, Ford, Flanagan, Franks, Gaines, Hall, Henry, Pyle, Rawson, Randle, Ruby, Saylor, Tendick and Tracy—16.

Nays—Senators Avinger, Ball, Dillard, Dohoney, Evans, Finlay, King, Sayers, Shelley, Swift, Word and Mr. President—12.

#### SENATE CHAMBER,

AUSTIN, TEXAS, February 11, 1873.

Senate met pursuant to adjournment. Roll called: quorum present. Prayer by the chaplain.

Journal of yesterday read and adopted.

Senator Avinger introduced a bill, entitled "An act to amend the Penal Code of the State of Texas." Read first time and referred to Judiciary Committee No. 2.

On motion of Senator Dohoney, Senator Evans was granted leave of absence for ten days from to-morrow.

On motion of Senator Flanagan, Senator Pyle was granted leave of absence for seven days.

Senator Dohoney moved that the Senate recede from the amendments offered by the Senate to House bill No. 106, "An act to provide for the public printing," which was lost by the following vote:

Yeas—Senators Avinger, Ball, Dillard, Dohoney, Evans, Finlay, Henry, King, Latimer, Sayers, Shelley, Swift and Mr. President—13.

Nays—Senators Baker, Cole, Ford, Flanagan, Four-